REMARKS

This is in response to the Final Office Action mailed July 17, 2007. Claims 1, 4, and 18 have been amended. Support for amended claim 1 can be found throughout the specification and claims as originally filed, for example, at page 9, lines 17-18, at page 8, lines 14-16, and page 12, lines 16-28. Upon entry of the present amendment claims 1-2, 4, 6, 10, 11, and 13-21 remain pending, and claims 23-34 remain withdrawn.

No new matter has been added. Amendment of the claims is made solely to expedite prosecution of the above-identified application. Applicants reserve the right to prosecute the same or similar claims in the present or another patent application. The amendments made are not related to any issues of patentability.

Applicants thank the Examiner for withdrawing the rejections from the previous Office Action.

Rejections Under § 102(b)

Cornelissens (GB 2,000,177)

Claims 1-2, 4, 10-11, 13, 15, 20, and 21 stand rejected under 35 USC §102(b) as being anticipated by GB 2,000177 ("Cornelissens"). Applicants respectfully traverse this rejection.

The Office Action states that Cornelissens teaches a *detergent composition* containing: one or more surfactants; an alkali metal carbonate; and an acid. The Office Action also states that Cornelissens teaches that the acid component has a higher solubility in the wash liquor than the alkaline component, so that the wash liquor has a pH of 2.0 to 5.0 before its temperature reaches 25°C, and a pH of from 9.0 to 10.5 once the wash liquor reaches 60°C and the alkaline material dissolves in the wash liquor.

Solely in order to expedite prosecution, Applicants have amended claim 1 to call out that the step of applying the bleaching and antimicrobial composition occurs after the initial washing step. Applicants have also amended claim 1 to indicate that the first step of the method, i.e., washing the laundry with a detergent use solution, is performed at an alkaline pH. It is during the separate bleaching and antimicrobial treatment step, which occurs *after* the laundry is washed, that the pH is adjusted by adding a pH adjusting agent. The bleaching and antimicrobial properties of the composition are optimized at different pH ranges such that when used in the present invention, the bleaching and antimicrobial composition is first used at a pH that favors antimicrobial properties (i.e., a low pH) and thereafter used at a pH that favors bleaching properties (i.e., a high pH).

Cornelissens does not teach a method of treating laundry comprising first washing the laundry at an alkaline pH, *and thereafter* applying an antimicrobial and bleaching composition with a pH adjusting agent to increase the pH shift. Nor is there any inherent teaching in Cornelissens to suggest such a multi-step method.

Further, although Cornelissens notes that a peroxide compound may be used with the acidic constituent of the detergent composition, it does not disclose the use of a peroxide compound after the initial washing step. Nor does Cornelissens disclose the use of a peroxide compound in a composition that exhibits both bleaching and antimicrobial properties when used at different pH ranges. For at least these reasons, Applicants submit that Cornelissens does not teach each and every element of claim 1, and the claims that depend from claim 1. Accordingly, it is respectfully requested that this rejection be withdrawn.

Rejections Under §103(a)

Cornelissens (GB 2,000,177)

Claim 6 stands rejected under 35 USC §103(a) as being obvious over Cornelissens. The Office Action states that Cornelissens teaches the features of the presently claimed invention, but fails to specifically disclose the recited time while at the first and second pH. The Office Action states that it would have been obvious that the duration while at the acidic and alkaline pH range would reasonably be within the times recited in claim 6 because "Cornelissens teaches that the acidic component dissolves first and the dissolution of alkaline component which has a coating is delayed." Page 4 of the Office Action.

Applicants respectfully traverse this rejection. As discussed above, Applicants submit that Cornelissens does not teach or suggest all of the limitations of the claimed invention, i.e., a method of treating laundry comprising first washing the laundry at an alkaline pH, *and thereafter* applying an antimicrobial and bleaching composition with a pH adjusting agent to increase the pH.

Cornelissens discloses "coating the alkaline constituent with higher fatty acids which melt at a temperature in the range of from 35°C to 50°C." Cornelissens, page 3, lines 54-57. Not only does Cornelissens not disclose the claimed time period, but Cornelissens does not disclose *any* period of time at which the pH shift occurs in the detergent composition. The only mention of pH change in relation to time in Cornelissens is in Example 1, which is a comparative example discussing the prior art. Further, as there is no disclosure in Cornelissens of providing antimicrobial properties at all, there can be no disclosure of providing antimicrobial properties for *any* specific period of time.

Disclosing that the detergent composition may go from an acidic pH to an alkaline pH at certain temperatures is not the same as "bleaching for between about 1 minute and about 20 minutes, and providing antimicrobial properties for between about 1 minute and about 20 minutes." Nor does such a disclosure suggest the claimed time periods for providing these properties. Thus, Applicants submit that it would not have been obvious to one of skill in the art to provide a bleaching and antimicrobial composition which provides bleaching for between about 1 minute and about 20 minutes, and which provides antimicrobial properties for between about 1 minute and about 20 minutes, based on the teachings of Cornelissens, or the knowledge of the art generally at the time of the invention.

Ruck (US Pat. No. 4,388,077) in view of Reinwald et al. (US Pat. No. 4,118,189)

The Office Action has rejected claims 1-2, 4, 6, 12, 13, 15, 20, and 21 under 35 U.S.C. § 103(a) as unpatentable over Ruck in view of Reinwald et al. Applicants respectfully traverse this rejection.

The Office Action asserts that it would have been obvious to modify the method of Ruck by subjecting the laundry in Ruck to a pre-wash cycle as taught by Reinwald. The Office Action also states that the claimed pH ranges are close enough to the pH ranges disclosed by Ruck, that a person skilled in the art would have expected the ranges to have the same properties. Applicants respectfully disagree.

Ruck is directed to a composition for washing fabric that includes an amphoteric surfactant which, in the aqueous washing solution, changes from an anionic to a cationic state as a result of a *decrease in the solution pH*. *See* Ruck, column 1, lines 62-65. The decrease in solution pH is the result of the addition of a pH builder that is designed to slowly decrease the

pH of the solution from alkaline to acidic. *See* Ruck, column 3, lines 10-25. As the Office Action acknowledges, Ruck fails to disclose the claimed pH ranges, as well as a wash step prior to the step of applying a bleaching and antimicrobial composition. The Office Action states however, that "a *prima facie* case of obviousness exists where the claimed ranges and prior art ranges do not overlap but are close enough that one skilled in the art would have expected them to have the same properties." Page 6 of the Office Action.

As the MPEP states, "[d]istilling an invention down to the 'gist' or 'thrust' of an invention disregards the requirement of analyzing the subject matter 'as a whole'." MPEP §2141.02; *see also W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied,* 484 U.S. 823 (1987). Applicants respectfully submit that the Office Action has failed to analyze the claimed invention as a whole. The presently claimed invention includes a step of applying a bleaching and antimicrobial composition that has a pH shift from *a low* pH to *a high* pH. Ruck teaches an *initial high* pH solution that becomes *a low* pH solution upon dissolution of a pH builder. Regardless of whether the pH ranges of Ruck overlap with the presently claimed invention, the teachings of Ruck are not the same as the presently claimed invention, as the pH shift in the presently claimed invention is in the opposite direction from the pH shift taught by Ruck. Thus, one of skill in the art would not expect the solutions to have the same properties.

Further, Ruck is directed to compositions "for use in washing fabric, particularly for washing denim, prior to sale." Ruck, col. 1, lines 1-7. As Ruck states, "[l]ittle or no cleaning action is required of the washing composition since the fabric to be washed is essentially clean." Ruck, col. 2, line 67 to col. 3, line 1. Thus, Ruck teaches washing fabric that is already clean in order to "bleed excess dyes, pre-shrink fabric, improve the hand of the fabric, and remove

sizing..." Ruck, col. 1, lines 10-15. Ruck does not teach or suggest a method for treating laundry comprising washing the laundry with a detergent use solution at an alkaline pH (i.e., the laundry in Ruck is already clean), and thereafter applying a bleaching or antimicrobial composition at a pH of about 2 to about 5 and thereafter at a pH of about 8 to about 11.

Reinwald et al. does not remedy the shortcomings of Ruck. The Office Action states that Reinwald et al. teaches a washing process that can be carried out in several steps, using conventional cleaning compositions which include bleaching agents and bleach activators. The Office Action asserts that it would have been obvious "to subject the laundry of Ruck to a pre-wash cycle, remove the prewash liquor, prior to the main wash cycle because this would remove coarse soil as taught by Reinwald." Pages 5 and 6 of the Office Action. As discussed above, Ruck teaches washing fabric that is already clean in order to "bleed excess dyes, pre-shrink fabric, improve the hand of the fabric, and remove sizing..." Ruck, col. 1, lines 10-15. Applicants submit therefore, that it would not have been obvious to one of skill in the art to submit the fabric of Ruck to a pre-wash cycle to remove coarse soil as taught by Reinwald et al., because the fabric of Ruck is already clean. Accordingly, Applicants respectfully request withdrawal of the rejection.

Additional § 103(a) Rejections

In addition to the references and rejections discussed above, the Office Action has rejected claim 14 under § 103(a) as unpatentable over Cornelissens or Ruck in view of Reinwald et al. and further in view of Werdehausen et al.; and claims 16-19 under §103(a) as unpatentable over Cornelissens or Ruck in view of Reinwald et al. and further in view of Barnes. Applicants respectfully traverse these rejections.

Claims 14 and 16-19 ultimately depend from independent claim 1. Applicants believe that claim 1 is patentable in light of the prior art of record for the reasons discussed above. Applicants do not believe that the combinations of Cornelissens, Ruck, Reinwald et al., Werdehausen et al. or Barnes remedy the shortcomings of the prior art identified above. Accordingly, it is respectfully request that these rejections be withdrawn.

Summary

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 501257.

Respectfully submitted,

ECOLAB INC.
Law Department
Mail Stop ESC-F7
655 Lone Oak Drive
Eagan, Minnesota 55121
Phone Number: (651) 795-5661
Fax Number: (651) 204-7507

Dated: October 29, 2007

By: /Anneliese S. Mayer/
Name: Anneliese S. Mayer
Reg. No. 54,434